HOUSE JOURNAL 60TH LEGISLATURE FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana

House Chambers
March 19, 2007

State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present except for Representative Clark who was excused. Quorum present.

Speaker Sales introduced the pages for the week:

Pages: Ryan McChesney, Miles City

Ian Hamilton, Missoula Jessica Studiner, Absarokee Audra Cornwell, Glasgow Meghan Stokes, Pendroy Rachel Chansler, Lolo

Mary Callahan-Baumstark, Missoula

Lane Hamilton, Lolo

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman):

3/19/2007

Signed by the Chief Clerk of the House at 2:30 p.m., March 14, 2007: **HB 20**, **HB 43**, **HB 84**, **HB 94**, **HB 143**, **HB 167**, **HB 264**, **HB 334**.

Signed by the Speaker at 10:00 a.m., March 16, 2007: **HB 20**, **HB 43**, **HB 84**, **HB 94**, **HB 143**, **HB 167**, **HB 264**, **HB 334**.

Signed by the President at 3:55 p.m., March 16, 2007: **HB 20**, **HB 43**, **HB 84**, **HB 94**, **HB 143**, **HB 167**, **HB 264**, **HB 334**.

Correctly enrolled: **HB 51**, **HB 67**, **HB 102**, **HB 128**, **HB 145**, **HB 244**, **HB 286**, **70**, **81**, **87**, **90**, **144**, **332**, **449**, **531**.

Signed by the Speaker at 10:15 a.m., March 17, 2007: HB 62.

Signed by the Chief Clerk of the House at 1:45 p.m., March 17, 2007: HB 62.

Correctly printed: SB 323.

SB 323. 3/17/2007

Delivered to the Governor for approval at 12:20 p.m., March 19, 2007: **HB 20**, **HB 43**, **HB 84**, **HB 94**, **HB 143**, **HB 167**, **HB 264**, **HB 334**.

Correctly printed: SB 45, SB 108, SB 319, SB 339.

Examined by the sponsor and found to be correct: HB 286, HB 67, 244

3/19/2007

3/19/2007

BUSINESS AND LABOR (Mendenhall, Chairman):

SB 45, be concurred in. Report adopted.

 $SB\ 108,$ be concurred in. Report adopted.

SB 319, be concurred in. Report adopted.

SB 339, be concurred in. Report adopted

JUDICIARY (Rice, Chairman):

3/19/2007

SB 50, be amended as follows:

1. Title, line 7.

Strike: "UNDER" through "JUVENILE"

Insert: "ON"

2. Title, line 8.

Following: "PROBATION"
Insert: "OR PAROLE"

Strike: "A DEPARTMENT OR YOUTH COURT"

Insert: "AN"

3. Title, line 9.

Following: "VOLUNTEER"

Insert: "OF THE SUPERVISING AUTHORITY"

4. Page 1, line 17. Strike: "Definition" Insert: "Definitions"

5. Page 1, line 23. Following: "or"
Insert: "or"

6. Page 1, lines 24 and 25.

Strike: "under the supervision of the department of corrections"

Insert: "on probation or parole"

7. Page 1, line 26.

Strike: "<u>department of corrections</u>" **Insert:** "supervising authority"

8. Page 1, lines 27 through 30.

Strike: "; or" on line 27 through "VICTIM" on line 30

9. Page 2, line 1.

Strike: "Subsections (1)(b)(v) and (1)(b)(vi) do"

Insert: "Subsection (1)(b)(v) does"

10. Page 2, line 2. **Following:** "officer"

Insert: "of a supervising authority"

11. Page 2.

Following: line 7

Insert: "(4) As used in 45-5-503 and this section, the following definitions apply:

- (a) "Parole" has the meaning provided in 46-1-202.
- (b) "Probation" means release by a court without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority.
- (c) "Supervising authority" includes a court, including a youth court, a county, or the Montana department of corrections."
- 12. Page 2, line 23.

Strike: "under the supervision of the department of corrections"

Insert: "on probation or parole" 13. Page 2, line 24. Strike: "department of corrections" Insert: "supervising authority" 14. Page 2, lines 25 through 28. Strike: ";" on line 25 through "VICTIM" on line 28 15. Page 2, line 29. Strike: "(iii)" Insert: "(ii)" 16. Page 2, line 30. Strike: "Subsections (5)(a)(i) and (5)(a)(ii) do" **Insert:** "Subsection (5)(a)(i) does" 17. Page 3, line 1. Following: "officer" Insert: "of the supervising authority" And, as amended, be concurred in. Report adopted. SB 119, be concurred in. Report adopted. SB 124, be concurred in. Report adopted. SB 141, be concurred in. Report adopted. SB 163, be concurred in. Report adopted. SB 322, do pass. Report adopted. SB 385, do pass. Report adopted. STATE ADMINISTRATION (Himmelberger, Chairman): 3/19/2007 HB 95, do pass. Report adopted. HB 125, do pass. Report adopted. HB 131, introduced bill, be amended as follows: 1. Title, page 1, line 8 through line 10. Strike: "ALLOCATING" on line 8 through ";" on line 10 2. Title, page 1, line 15. Strike: "LOCAL GOVERNMENT ENTITIES AND" 3. Title, page 1, line 16. Strike: "19-3-2121," 4. Page 2, line 3. Strike: "0.27%" Insert: "the following percentage"

5. Page 2, line 4.

Following: "membership"

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Insert: ": (a) beginning July 1, 2007, 0.135%; and
        (b) beginning July 1, 2009, 0.27% "
6. Page 2, line 21.
Strike: "In"
Insert: "(a) Subject to subsection (2)(b), in"
7. Page 2, line 22.
Strike: "0.27%"
Insert: "the following percentage"
8. Page 2, line 23.
Following: "membership"
Insert: ": (i) beginning July 1, 2007, 0.135%; and
        (ii) beginning July 1, 2009, 0.27%.
         (b) The additional contribution under subsection (2)(a) terminates when the additional contribution under 19-
3-316(3) terminates"
9. Page 4, line 1.
Strike: "received"
10. Page 4, line 2.
Strike: "on or after July 1, 2002,"
11. Page 4, line 7.
Following: ";"
Insert: "and"
12. Page 4, line 8 through line 13.
Strike: "on" on line 8 through "." on line 13
Insert: "the additional employer contribution provided in 19-3-316(3) must be allocated to the member's retirement
         account until the additional contribution terminates."
13. Page 4, line 8 through line 13.
Strike: "pursuant" on line 8 through "members" on line 13
14. Page 4, line 18 through page 6, line 11.
Strike: section 5 in its entirety
Renumber: subsequent sections
15. Page 11, line 4.
Strike: "0.58%"
Insert: "the following percentage"
16. Page 11, line 5.
Following: "membership"
Insert: ": (a) beginning July 1, 2007, 0.29%; and"
         (b) beginning July 1, 2007, 0.58%
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17. Page 19, line 6.

Following: "(3),"
Insert: "of"

Following: "contribution"
Strike: remainder of line 6

18. Page 19, line 7. **Strike:** "follows"

19. Page 19, line 8.

Strike: "on or after July 1, 2002,"

20. Page 19, line 12.

Following: ";"
Insert: "and"

21. Page 19, line 13 through 17. **Strike:** subsection (b) in its entirety

Insert: "(b) the additional employer contribution provided in 19-3-316(3) must be allocated to the participant's

program account until the additional contribution terminates."

22. Page 19, line 13.

Strike: "pursuant" on line 13 through "liability" on line 17

23. Page 19, line 21.

Strike: "(1)"

24. Page 19, line 22.

Strike: ":"

25. Page 19, line 23.

Strike: "(a)"

26. Page 19, line 24. **Following:** "2,"

Insert: "and"
Strike: ", and 10"

27. Page 19, line 25 through page 20, line 9.

Strike: line 25 on page 19 through line 9 on page 20

Insert: " FY 2008 FY 2009

General fund \$309,633 \$326,913 State special 212,659 221,068

Federal special 138,193 142,593

Proprietary 80,831 84,637"

And, as amended, do pass. Report adopted.

SB 168, be concurred in. Report adopted.

SB 359, be concurred in. Report adopted.

HJR 45, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

3/19/2007

SB 208, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House for concurrence:

3/19/2007

HB 132, introduced by Sesso

HB 140, introduced by Ingraham

HB 176, introduced by Wilmer

HB 190, introduced by Thomas

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 828, introduced by Olson, Cocchiarella, referred to Federal Relations, Energy, and Telecommunications.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Lange moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 31 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 31** be concurred in. Motion carried as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Hamilton, Hands, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, Morgan, Musgrove, Noonan, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Glaser, Groesbeck, Hawk, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Nooney, O'Hara, Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 43

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 149 - Senate Amendments - Representative Jopek moved Senate amendments to HB 149 be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Noes: Heinert, Himmelberger, Mendenhall, Peterson, Sinrud.

Total 5

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 193 - Senate Amendments - Representative Nooney moved Senate amendments to HB 193 be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Windy Boy, Wiseman, Witte, Mr. Speaker. Total 98

Noes: Wilson.

Total 1

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: W. Jones.

Total 1

HJR 20 - **Senate Amendments** - Representative Milburn moved Senate amendments to **HJR 20** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Noes: Everett, Jore, Koopman, Mendenhall, Ripley.

Total 5

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

HB 536 - Representative Becker moved HB 536 do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Noes: Blasdel, Dickenson, Everett, Franklin, Furey, Hands, Henry, Himmelberger, Jayne, Jore, Koopman, Kottel, Mendenhall, Milburn, Pomnichowski.

Total 15

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 701 - Representative Glaser moved HB 701 do pass. Motion failed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Kasten, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 47

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Jore, Keane, Koopman, Kottel, McAlpin, McChesney, McGillvray, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 53

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 89

Noes: Augare, Heinert, Jacobson, Mendenhall, Rice.

Total 5

Excused: Clark.

Total 1

Absent or not voting: Hendrick, Lambert, Morgan, Sinrud, Wells.

Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 818 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 49

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 819 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 49

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 820 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips,

Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 49

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Tuesday, March 20, 2007. Motion carried.

House adjourned at 2:37 p.m.

MARILYN MILLER Chief Clerk of the House SCOTT SALES
Speaker of the House